Docket No. 50277-1510

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of: Confirmation No.: 4009

Dean Tan, et al. Group Art Unit No.: 2163

Serial No.: 09/873,061 Examiner: Linh Black

Filed: May 31, 2001

For: TECHNIQUES FOR AUTOMATICALLY DEVELOPING A WEB SITE

MS Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Sir:

This Appeal Brief is submitted in support of the Notice of Appeal filed on June 19, 2007.

I. REAL PARTY IN INTEREST

Oracle International Corporation is the real party in interest.

II. RELATED APPEALS AND INTERFERENCES

The Appellants are unaware of any related appeals or interferences.

III. STATUS OF CLAIMS

Claims 54-58 have been finally rejected and are the only subjects of this appeal. Claims 1-53 are canceled.

IV. STATUS OF AMENDMENTS

The claims were not amended after the Final Office Action.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The present application contains one independent claim: Claim 54. Claim 54 is summarized below and annotated to cross-reference features of that claim to specific examples of those features disclosed in the specification. However, the annotations are not intended to limit the scope of the recited features to those specific examples to which the annotations refer.

Claim 54 recites *(with added reference annotations in parenthesis)* a method for building a customized web site *(page 39, lines 18-21)*, wherein the method comprises performing a machine-executed operation involving instructions *(page 14, lines 13-17)*, wherein the machine-executed operation is at least one of:

A) sending said instructions over transmission media *(page 17, lines 18-23; page 16, lines 11-14)*;

B) receiving said instructions over transmission media *(page 17, lines 18-23; page 16, lines 11-14)*;

C) storing said instructions onto a machine-readable storage medium *(page 16, lines 18-20)*; and

D) executing the instructions *(page 14, lines 13-17; page 15, lines 8-14)*;

wherein the instructions are instructions which, when executed by one or more processors, cause *(page 15, lines 8-14)*:

storing a web site XML file *(page 46, lines 11-17)*;

wherein the web site XML file is an XML document that specifies the structure of a multi-page web site *(page 70, lines 5-16—especially lines 12-13;and pages 66-68, Table 3; page 86, lines 20-22)*;

wherein the web site XML file specifies (a) relationships between web pages of the multi-page web site *(page 70, lines 5-16—especially lines 14-16—and lines 20-21;and page 73, lines 20-25)*, and (b) the structure and content of the pages of the multi-page web site *(page 70, lines 5-16—especially lines 13-14)*;

storing XML definitions for a plurality of components that are available for use by the customized web site *(page 44, line 1-page 45, line 4—especially page 44, lines 23-26; FIG. 6C, steps 686 and 687; page 43, lines 17-22; pages 59-60, Table 2)*;

presenting a user with a series of one or more user interfaces for modifying the multi-page web site to create the customized web site *(FIG. 6B, steps 632 and 640; page 41, line 22-page 42, line 7)*;

wherein the one or more user interfaces include controls for adding one or more components of said plurality of components to the multi-page web site *(page 86, lines 4-9; FIG. 6E—especially add button 677b; page 84, lines 1-12; page 46, lines 11-17; page 74, lines 2-3)*;

receiving through the controls user input that adds a particular component of said plurality of components to said multi-page web site *(page 46, lines 11-17; page 68, lines 10-12)*;

in response to the user input, adding the XML definition associated with the particular component to the web site XML file to produce a modified web site XML file that defines a multiple-page web site that includes said particular component *(page 46, lines 11-17; page 68, lines 10-12; page 70, line 24-page 71, line 4)*; and

causing a web site building component to automatically build the customized web site based on the modified web site XML file *(page 46, lines 18-25; FIG. 6B, steps 660 and 670; page 42, lines 22-25; page 74, lines 14-21; page 88, lines 12-23)*.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1. Claims 54 and 55 stand rejected under 35 U.S.C. § 103(a) as being unpatentable, allegedly, over "XML Pro v2 User Guide" ("Vervet") in view of U.S. Patent No. 6,779,154 ("Nussbaum").

2. Claim 56 stands rejected under 35 U.S.C. § 103(a) as being unpatentable, allegedly, over Vervet and Nussbaum in view of U.S. Patent No. 6,748,569 ("Brooke").

3. Claim 57 stands rejected under 35 U.S.C. § 103(a) as being unpatentable, allegedly, over Vervet and Nussbaum in view of U.S. Patent No. 6,976,210 ("Silva").

4. Claim 58 stands rejected under 35 U.S.C. § 103(a) as being unpatentable, allegedly, over Vervet and Nussbaum in view of Silva.

VIII. ARGUMENTS

A. The Features of Claims 54 and 55 Are Not Disclosed, Taught, or Suggested by Vervet or Nussbaum

Among other features, Claim 54 recites, "wherein the web site XML file is an XML document that **specifies the structure of a multi-page web site**; wherein the web site XML

file specifies (a) **relationships between web pages of the multi-page web site**, and (b) the structure and contents of the pages of the multi-page web site."

An example of such an XML document is described in Table 3 on pages 66-68 of the present application. The XML document specifies "folder" elements for different web pages of a "Community" web site. There are "folder" elements for a "root" web page, an "admin" web page, a "news" web page, and a "discussion forum" web page. Thus, the XML document describes a **multi-page** web site. The "folder" elements for the "admin," "news," and "discussion forum" web pages are enclosed within the "folder" element for the "root" web page, making the three former folder elements "children" of the latter "folder" element, and indicating that the "admin," "news," and "discussion forum" web pages are hierarchically subordinate to the "root" web page in the "Community" web site. As is stated on page 70, lines 10-17 of the present application:

> Thus there may be **a hierarchy of folders elements within folders elements**. The first folders element in the site map element is the root folder for the web site. **Each web page of a web site is conveniently represented by a folders element in the site map**. The components on a page are conveniently represented by the item elements. **A web page associated with a particular folders element that has a child folders element includes a link to the web page associated with the child folders element**.

Thus, the fact that the "admin," "news," and "discussion form" folders are child folders of the "root" folder indicates that the "root" web page includes links to the "admin," "news," and "discussion forum" web pages on the "Community" web site. Therefore, the XML document shown in Table 3 **specifies the structure of a multi-page web site** (e.g., the hierarchical structure derived from some web pages being subordinate to other web pages) and **relationships between web pages of the multi-page web site** (e.g., links between the web pages).

The Examiner alleges that Vervet discloses this feature of Claim 54. Admittedly, Vervet discloses an approach for viewing and editing an XML document. However, the XML document does not **specify the structure of a multi-page web site** or **relationships between web pages** of such a web site. Vervet mentions a "root element" in a "document tree view," but this does not imply that the root element corresponds to a **web page**, or that the elements in the tree represent **web pages**.

All XML documents, regardless of what they represent, are required by the XML specification to have a root element. Other elements may descend from this root element in a hierarchical fashion. Conveniently, XML documents may be represented as tree structures due to their inherently hierarchical and tree-like nature (XML tag pairs enclosing other XML tags). However, the mere existence of a root element in an XML document does not mean that the root element represents a web page within a multi-page web site, or that any other element in the XML document represents a web page. Most, if not all, XML documents have root elements and may be represented as a tree. It does not logically follow that most, if not all, XML documents specify the structures of multi-page web sites of relationships between web pages of such sites. It is not true that every XML tree must be a tree of web pages.

Vervet discloses that an XML file may be viewed as a tree. This is a tree of XML elements. What these elements represent depends on the author of the XML document. Because XML is an expandable markup language, XML elements may be created to represent virtually anything that an author desires. Vervet does **not** teach or suggest that the XML elements in the tree represent web pages of a web site, or that the hierarchical relationships between these XML elements represent relationships between such pages, or

that the tree as a whole represents the structure of a multi-page web site.

Therefore, Vervet does not disclose, teach, or suggest "wherein the web site XML file is an XML document that **specifies the structure of a multi-page web site**; wherein the web site XML file specifies (a) **relationships between web pages of the multi-page web site**, and (b) the structure and contents of the pages of the multi-page web site" as required by Claim 54. The Examiner does not even allege that the other cited reference, Nussbaum, discloses these features of Claim 54. The Examiner appears to rely on Nussbaum to disclose, allegedly, the conversion of XML documents into HTML documents, but not to disclose the features of Claim 54 discussed above.

Since neither Vervet nor Nussbaum discloses, teaches, or suggests the features of Claim 54 discussed above, even a combination of Vervet and Nussbaum could not disclose, teach, or suggest these features. Therefore, Claim 54 is patentable over Vervet and Nussbaum, taken either individually or in combination, under 35 U.S.C. § 103(a).

By virtue of its dependence from Claim 54, Claim 55 inherits the features that are distinguished from Vervet and Nussbaum above. Consequently, Claim 55 also is patentable over Vervet and Nussbaum, taken either individually or in combination, under 35 U.S.C. § 103(a). The rejection of Claims 54 and 55 should be reversed.

B. The Features of Claim 56 Are Not Disclosed, Taught, or Suggested by Vervet, Nussbaum, or Brooke

By virtue of its dependence from Claim 54, Claim 56 inherits the features that are distinguished from Vervet and Nussbaum above. The Examiner does not even allege that the other cited reference, Brooke, discloses these features of Claim 54. The Examiner appears to

rely on Brooke to disclose, allegedly, XSLT documents, but not to disclose the features of Claim 54 discussed above.

Since Vervet, Nussbaum, and Brooke do not disclose, teach, or suggest the distinguished features that Claim 56 inherits from Claim 54, even a combination of Vervet, Nussbaum, and Brooke could not disclose, teach, or suggest these features. Therefore, Claim 56 is patentable over Vervet, Nussbaum, and Brooke, taken either individually or in combination, under 35 U.S.C. § 103(a). The rejection of Claim 56 should be reversed.

C. The Features of Claim 57 Are Not Disclosed, Taught, or Suggested by Vervet, Nussbaum, or Silva

By virtue of its dependence from Claim 54, Claim 57 inherits the features that are distinguished from Vervet and Nussbaum above. The Examiner does not even allege that the other cited reference, Silva, discloses these features of Claim 54. The Examiner appears to rely on Silva to disclose, allegedly, the dynamic generation of a component on a computer other than a computer on which an XML file is stored, but not to disclose the features of Claim 54 discussed above.

Since Vervet, Nussbaum, and Silva do not disclose, teach, or suggest the distinguished features that Claim 57 inherits from Claim 54, even a combination of Vervet, Nussbaum, and Silva could not disclose, teach, or suggest these features. Therefore, Claim 57 is patentable over Vervet, Nussbaum, and Silva, taken either individually or in combination, under 35 U.S.C. § 103(a). The rejection of Claim 57 should be reversed.

D. The Features of Claim 58 Are Not Disclosed, Taught, or Suggested by Vervet, Nussbaum, or Silva

By virtue of its dependence from Claim 54, Claim 58 inherits the features that are distinguished from Vervet and Nussbaum above. The Examiner does not even allege that the other cited reference, Silva, discloses these features of Claim 54. The Examiner appears to rely on Silva to disclose, allegedly, the dynamic generation of a component on a computer other than a computer on which an XML file is stored, but not to disclose the features of Claim 54 discussed above.

Since Vervet, Nussbaum, and Silva do not disclose, teach, or suggest the distinguished features that Claim 58 inherits from Claim 54, even a combination of Vervet, Nussbaum, and Silva could not disclose, teach, or suggest these features. Therefore, Claim 58 is patentable over Vervet, Nussbaum, and Silva, taken either individually or in combination, under 35 U.S.C. § 103(a).

Additionally, Claim 58 recites "wherein a particular user interface, of the one or more user interfaces, includes a link to another web site for generating the particular component." The Examiner alleges that Silva discloses this aspect of Claim 58. However, Silva merely discusses how a web page may incorporate content obtained from another web site. Silva does **not** say that such a web page includes a **link** to such content on the other web site. Although the content may be obtained from another web site, Silva does **not** say that that other web site is "for generating" the content (the alleged "component").

Additionally, the "particular component" to which Claim 58 refers must be the same component that was added to a web site XML file in response to user input received through controls included in a user interface (according to Claim 54). Silva's content from another

web site is **not** a component that was added to a web site XML file (let alone a web site XML file that represents a multi-page website) in response to user input received through controls included in a user interface. Silva apparently adds such content directly to a web page rather than to any web site XML file.

The rejection of Claim 58 should be reversed.

IX. CONCLUSION AND PRAYER FOR RELIEF

Based on the foregoing, it is respectfully submitted that the rejections of Claims 54-58 lack the requisite factual and legal bases. Appellants respectfully request that the Honorable Board **reverse** the rejections of Claims 54-58.

Respectfully submitted,

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CERTIFICATE OF TRANSMISSION VIA EFS-WEB

Pursuant to 37 C.F.R. 1.8(a)(1)(ii), I hereby certify that this correspondence is being transmitted to the United States Patent & Trademark Office via the Office electronic filing system in accordance with 37 C.F.R. §§1.6(1)(4) and 1.8(a)(1)(i)(C) on the date indicated below and before 9:00 PM PST.

Submission date: August 20, 2007 by /ChristianANicholes#50,266/

CLAIMS APPENDIX

54. A method for building a customized web site, wherein the method comprises performing a machine-executed operation involving instructions, wherein the machine-executed operation is at least one of:

A) sending said instructions over transmission media;

B) receiving said instructions over transmission media;

C) storing said instructions onto a machine-readable storage medium; and

D) executing the instructions;

wherein the instructions are instructions which, when executed by one or more processors, cause:

storing a web site XML file;

wherein the web site XML file is an XML document that specifies the structure of a multi-page web site;

wherein the web site XML file specifies (a) relationships between web pages of the multi-page web site, and (b) the structure and content of the pages of the multi-page web site;

storing XML definitions for a plurality of components that are available for use by the customized web site;

presenting a user with a series of one or more user interfaces for modifying the multi-page web site to create the customized web site;

wherein the one or more user interfaces include controls for adding one or more components of said plurality of components to the multi-page web site;

receiving through the controls user input that adds a particular component of said plurality of components to said multi-page web site;

in response to the user input, adding the XML definition associated with the particular component to the web site XML file to produce a modified web site XML file that defines a multiple-page web site that includes said particular component; and

causing a web site building component to automatically build the customized web site based on the modified web site XML file.

55. The method of Claim 54, wherein causing the web site building component to automatically build the customized web site includes:

causing the web site building component to create a database for storing the customized web site.

56. The method of Claim 54, wherein execution of the instructions further cause:

creating an extensible stylesheet language transformation (XSLT) document for forming a web page; and

presenting the user with a series of one or more web pages based on the web site XML file and the XSLT document.

57. The method of Claim 54, wherein a particular component, of the plurality of components, is dynamically generated at a different computer than a computer storing the web site XML file.

58. The method of Claim 54, wherein a particular user interface, of the one or more user interfaces, includes a link to another web site for generating the particular component.

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.